



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,187	12/22/2003	Jeffrey L. McMurray	JM-1-gw	7289
7590 06/06/2005				
Michael I. Kroll 171 Stillwell Lane Syosset, NY 11791			EXAMINER HANSEN, JAMES ORVILLE	
			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,187

Applicant(s)

MCMURRAY, JEFFREY L.

Examiner

James O. Hansen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “fabric” [claims 5-6] must be shown and referenced in the drawings or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, line 4, the phrase "a door frame forming said front of said housing" is unclear and confusing as presently worded since the claim previously recites that the "housing" has a "front for receiving the musical instrument", as such, it is not known how the door frame [which is a distinct element from the housing] forms "said front of said housing" when the housing already recites a front [the door frame permitting or restricting access through the front of the housing ? Cited as a suggestion]. In Claim 1, line 9, the phrase "said interior" does not have a proper antecedent basis. Consequently, the remaining claims are rejected because they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ha [U.S. Patent No. 5,947,208] in view of Levit [U.S. Patent No. 618,887]. Ha (figures 1-9) teaches of a display case (10) capable of receiving musical instruments, comprising: a

Art Unit: 3637

housing (14) having a top, a bottom, a back, a pair of sides and a front (fig. 1), wherein the housing has an inside and an outside; a door frame (16) for closing a front of the housing, the door frame having an opening therein for receiving a transparent member (18) therein, wherein the door frame has a front surface, a rear surface, side edges extending around the perimeter and a lower portion (see figs.), wherein the opening has an inherent inner edge; a door stop (22) disposed on the front of the interior of the top, bottom and pair of sides of the housing to receive the door frame thereon, the door frame being sized to frictionally fit within the door stop, the door stop having an anterior surface as readily apparent to the examiner; a handle (44) disposed on a side of the front surface of the door frame to permit the door frame to be removed from the housing; a hanger (54) disposed on the inside back of the housing to permit an item to be displayed; and a light (30 e.g.) which can be disposed inside the housing to permit the item to be illuminated. Ha teaches applicant's inventive claimed structure as disclosed above, but does not show the handle as being a "knob" located on the front surface of the door frame. Levit (figures 1-3) is cited as an evidence reference to show that it was known in the art to utilize a knob (fig. 1) located on the front surface of a door frame (A') at the time the invention was made. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the handle of Ha so as to incorporate a forward facing knob as taught by Levit because this arrangement would provide a user with a means to easily view and readily grasp the element that opens the door to the housing since such knowledge was commonly known in the art.

Art Unit: 3637

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan [U.S. Publication No. 2001/0040423] in view of McGoldrick [U.S. Patent No. 4,209,212]. Sheehan (figures 1-4) teaches of a display case (fig) capable of receiving musical instruments, comprising: a housing (20) having a top, a bottom, a back, a pair of sides and a front (figs. 1 & 4), wherein the housing has an inside and an outside; a door frame (viewed as the four joined door members) for closing a front of the housing, the door frame having an opening therein (fig. 4) for receiving a transparent member (plastic cover 30) therein, wherein the door frame has a front surface, a rear surface, side edges extending around the perimeter and a lower portion (see figs.), wherein the opening has an inherent inner edge; a door stop (front of 20) disposed on the front of the interior of the top, bottom and pair of sides of the housing to receive the door frame thereon, the door frame being sized to frictionally fit within the door stop, the door stop having an anterior surface as readily apparent to the examiner; a knob (32) disposed on a side of the front surface of the door frame to permit the door frame to be removed from the housing; and a hanger (22) disposed on the inside back of the housing to permit an item to be displayed. Sheehan teaches applicant's inventive claimed structure as disclosed above, but does not show a light that can be disposed within the housing. McGoldrick (figures 1-5) is cited as an evidence reference to show that it was known in the art to utilize a light (66) for the purpose of illuminating an interior of a housing at the time the invention was made. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the housing of Sheehan so as to incorporate a light as taught by McGoldrick because this arrangement would provide illumination for the housing since such knowledge was commonly known in the art.

Art Unit: 3637

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan and McGoldrick and further in view of Berkus [U.S. Patent No. 3,993,378]. The prior art teaches applicant's inventive claimed structure as disclosed above, but does not show the door frame as being removably disposed on the door stop via hook and loop material [Sheehan utilizes hinges]. Berkus (figures 1-7) is cited as an evidence reference to show that it was known in the art to employ hook and loop material (54 & 54A) so as to removably attach a door frame (50) to a door stop (42) of a housing (10) at the time the invention was made. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art so as to incorporate an alternative door frame mounting means using hook and loop material as taught by Berkus because this arrangement would easily allow for the door frame to be completely removed [no tools involved] from the housing if so desired while the hook and loop material would allow for the door to be held tightly closed when covering the housing opening.

8. Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan, McGoldrick, Berkus and further in view of Kenkel [U.S. Patent No. 5,546,714]. The prior art teaches applicant's inventive claimed structure as disclosed above, but does not show the door frame as having a plurality of clips for retaining the transparent member. Kenkel (figures 1-4) is cited as an evidence reference to show that it was known in the art to employ a plurality of clips (32) so as to retain a transparent member (36) within a door frame (12) at the time the invention was made. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art so as to incorporate an alternative transparent member mounting means using clips as taught by Kenkel because this

Art Unit: 3637

arrangement would retentively hold the transparent member within the opening of the door frame thereby allowing for easy removal and/or replacement if desired by the user. The transparent member being plastic / Plexiglas. As to claims 5-6, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art so as to incorporate fabric within the case as taught by McGoldrick because this arrangement would enhance the aesthetic appeal of the case depending upon the varying desires of a user since such knowledge was commonly known in the art. As to claims 7-8, it appears that the piping design is merely carried by the housing and provides ornamentation thereto. Lacking a new or unobvious functional relationship, the claimed ornamentation is not germane to issue of patentability and therefore does not represent a difference or distinction over the prior art. As to claim 9, the prior art does not state that the knob is made out of brass. As such, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the type of material used to manufacture the knob, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice depending upon the personal needs or tastes of a user.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katahdin Guitar Cabinet [2 pages of guitar cabinet – known hereafter as KGC] in view of Pollard [U.S. Patent No. 694,987]. KGC (corner cabinet figure & guitar cabinet figure) teaches of a display case (figs.) capable of receiving musical instruments, comprising: a housing (housing of the cabinets) having a top, a bottom, a back, a pair of sides and a

Art Unit: 3637

front, wherein the housing has an inside and an outside; a door frame (viewed as the four joined door members – figure showing the open door) for closing a front of the housing, the door frame having an opening therein for receiving an inherent transparent member therein, wherein the door frame has a front surface, a rear surface, side edges extending around the perimeter and a lower portion (see figs.), wherein the opening has an inherent inner edge; a door stop (front frame of the housing) disposed on the front of the interior of the top, bottom and pair of sides of the housing to receive the door frame thereon, the door frame being sized to frictionally fit within the door stop, the door stop having an anterior surface as readily apparent to the examiner; a knob (see figs.) disposed on a side of the front surface of the door frame to permit the door frame to be removed from the housing; and a hanger (shown supporting a guitar) disposed on the inside back of the housing to permit an item to be displayed. KGC teaches applicant's inventive claimed structure as disclosed above, but does not show a light that can be disposed within the housing. Pollard (figures 1-2) is cited as an evidence reference to show that it was known in the art to utilize a light (see figs.) for the purpose of illuminating an interior of a housing at the time the invention was made. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the housing of KGC so as to incorporate a light as taught by Pollard because this arrangement would provide illumination for the housing since such knowledge was commonly known in the art.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over KGC and Pollard and further in view of Berkus [U.S. Patent No. 3,993,378]. The prior art teaches applicant's inventive claimed structure as disclosed above, but does not show

Art Unit: 3637

the door frame as being removably disposed on the door stop via hook and loop material [KGC utilizes hinges]. Berkus (figures 1-7) is cited as an evidence reference to show that it was known in the art to employ hook and loop material (54 & 54A) so as to removably attach a door frame (50) to a door stop (42) of a housing (10) at the time the invention was made. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art so as to incorporate an alternative door frame mounting means using hook and loop material as taught by Berkus because this arrangement would easily allow for the door frame to be completely removed [no tools involved] from the housing if so desired while the hook and loop material would allow for the door to be held tightly closed when covering the housing opening.

11. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over KGC, Pollard, Berkus and further in view of Kenkel [U.S. Patent No. 5,546,714]. The prior art teaches applicant's inventive claimed structure as disclosed above, but does not show the door frame as having a plurality of clips for retaining the transparent member. Kenkel (figures 1-4) is cited as an evidence reference to show that it was known in the art to employ a plurality of clips (32) so as to retain a transparent member (36) within a door frame (12) at the time the invention was made.

Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art so as to incorporate an alternative transparent member mounting means using clips as taught by Kenkel because this arrangement would retentively hold the transparent member within the opening of the door frame thereby allowing for easy removal and/or replacement if desired by the

Art Unit: 3637

user. The transparent member inherently including a glass or plastic / Plexiglas material.

12. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over KGC, Pollard, Berkus, Kenkel and Heritage Cases [7 pages of cases – known hereafter as HC]. The prior art teaches applicant's inventive claimed structure as disclosed above, but does not show the case as utilizing fabric. HC is cited as an evidence reference to show that it was known to incorporate different fabric schemes associated with a display case at the time the invention was made. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art so as to incorporate fabric within the case as taught by HC because this arrangement would enhance the aesthetic appeal of the case depending upon the varying desires of a user since such knowledge was commonly known in the art. As to claims 7-8, it appears that the piping design is merely carried by the housing and provides ornamentation thereto. Lacking a new or unobvious functional relationship, the claimed ornamentation is not germane to issue of patentability and therefore does not represent a difference or distinction over the prior art. As to claim 9, the prior art does not state that the knob is made out of brass. As such, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the type of material used to manufacture the knob, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice depending upon the personal needs or tastes of a user. As to claim 10, the prior art shows the hanger as comprising a pair of spaced apart arms for receiving a neck of the musical instrument. As to claim 11, the

Art Unit: 3637

prior art does not show caps on the corners of the case. However, HC specifically teaches the use of caps at the corners of the housing. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art so as to incorporate caps on the case corners as taught by HC because this arrangement would provide corner / edge protection to the housing thereby enhancing the durability of the case since such knowledge was commonly known in the art.

Conclusion

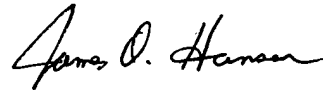
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Katahdin Studio Furniture "handcrafted cabinetry", Robin and EP publication 098,195 describe display cases.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
May 26, 2005